

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(S) No.1177 of 2022

Sanjay Kumar Jha, son of Late Krishna Chandra Jha, resident of Brahmaputra Apartment (Second floor), Shukla Colony, Hinoo, P.O. and P.S. Doranda, District Ranchi, Jharkhand.

... .. **Petitioner**

Versus

1. The State of Jharkhand.
2. The Chief Secretary, Government of Jharkhand, 1st Floor, Project Building, Dhurwa, P.O. & P.S. Jagannathpur, District Ranchi, Jharkhand.
3. The Secretary, Drinking Water and Sanitation Department, Government of Jharkhand, having office at Nepal House, P.O. & P.S. Doranda, District Ranchi, Jharkhand.
4. The Joint Secretary, Drinking Water and Sanitation Department, Government of Jharkhand, having office at Nepal House, P.O. & P.S. Doranda, District Ranchi, Jharkhand.

... .. **Respondents**

CORAM : SRI ANANDA SEN, J

For the Petitioner(s) : Mr. Diwakar Upadhyay, Advocate
 For the Respondent(s): Mr. Ranjan Kumar, AC to Sr. SC-I

18/ 22.01.2026

By filing this writ petition, the petitioner has prayed for the following reliefs:-

- a) *For issuance of an appropriate writ(s)/order(s)/direction(s) in the nature of 'Certiorari' for quashing the Order dated 14.12.2021, bearing Notification No. 3288 (Ann-5), issued by the Joint Secretary, Drinking Water and Sanitation Department, Government of Jharkhand (Resp. No.4), whereby and where under, the Petitioner has been inflicted with a punishment of Censure, in an utter violation of the principles of natural justice; and also the said order of punishment is in teeth with Rule 19 of the 'Jharkhand Government Servants (Classification, Control & Appeal) Rules, 2016'.*

And

b) To stay the operation, implementation & execution of the order dated 14.12.2021, bearing Notification No. 3288 (Ann-5), until the final outcome of the instant writ petition."

2. Heard learned counsel representing the petitioner and learned counsel representing the respondents.

3. The facts of the case are as follows:-

3.1. The petitioner joined the service in the Engineering Service Cadre as Assistant Engineer on 15.07.1987 in the Erst While State of Bihar. Thereafter, he was allotted the Jharkhand Cadre and was posted in the Drinking Water and Sanitation Department, Government of Jharkhand.

3.2. The petitioner was granted promotion to the post of Acting Chief Engineer w.e.f. 18.06.2020 and subsequently he was confirmed on the post of Chief Engineer in the Drinking Water and Sanitation Department, Government of Jharkhand, w.e.f. 01.10.2020.

3.3. On 27.10.2021, this petitioner was served with a notice (Annexure-3 to the writ petition), issued under the signature of Secretary to the Government of Jharkhand, to show cause as to why not his one increment with non-cumulative effect be deducted for his laxity and dereliction of duty in the Government work. In the said show cause notice, on counselling of the JJM Scheme of the Government of India, it was alleged that the petitioner being the Chief Engineer, in spite of knowing that the JJM Scheme is an ambitious Plan of the Government of India, did not properly monitor and supervise the said Scheme, resulting in poor progress of the

same. In addition to these allegations, the petitioner was pointed for several deficiencies attracting dereliction of duty on his part, which are as follows:-

- “ (i) राज्य एवं जिला स्तर पर JJM के तहत परामर्शियों की संविदा पर नियुक्ति की कार्रवाई में अपेक्षित प्रगति नगण्य है।
- (ii) संविदा पर सहायक अभियंता एवं कनीय अभियंता की नियुक्ति हेतु एजेंसी के चयन की कार्रवाई अब तक नहीं की गई है।
- (iii) दिनांक 21.10.2021 एवं दिनांक 22.10.2021 को आहूत समीक्षा बैठक में अधीक्षण अभियंता, दुमका, अधीक्षण अभियंता, देवघर एवं कार्यपालक अभियंता, गढ़वा को तत्संबंधी स्पष्टीकरण पूछने संबंधी दिए गये निर्देश के आलोक में आपके द्वारा सम्यक् रूप से गुणवत्तापूर्वक संचिका का उपस्थापन नहीं किया गया है। ”

3.4. The petitioner replied to the aforesaid show cause notice, which was considered.

3.5. Thereafter, a Notification as contained in Memo dated 14.12.2021 (Annexure-5 to the writ petition) was issued by the respondents, whereby a punishment of “censure” was imposed upon the petitioner.

4. Admittedly, the petitioner has already superannuated.

5. So far as the quantum of punishment is concerned, the prerogative to punish the delinquent-employee is of the employer. The quantum of punishment must be assessed by the employer and it is not the Court who can substitute its view.

6. The Hon’ble Supreme Court in the case of ***Lucknow Kshetriya Gramin Bank v. Rajendra Singh*** reported in **(2013) 12 SCC 372**, at para-19, has held as hereunder:-

“19. The principles discussed above can be summed up and summarised as follows:

19.1. When charge(s) of misconduct is proved in an enquiry the quantum of punishment to be imposed in

a particular case is essentially the domain of the departmental authorities.

19.2. The courts cannot assume the function of disciplinary/departmental authorities and to decide the quantum of punishment and nature of penalty to be awarded, as this function is exclusively within the jurisdiction of the competent authority.

19.3. Limited judicial review is available to interfere with the punishment imposed by the disciplinary authority, only in cases where such penalty is found to be shocking to the conscience of the court.

19.4. Even in such a case when the punishment is set aside as shockingly disproportionate to the nature of charges framed against the delinquent employee, the appropriate course of action is to remit the matter back to the disciplinary authority or the appellate authority with direction to pass appropriate order of penalty. The court by itself cannot mandate as to what should be the penalty in such a case.

19.5. The only exception to the principle stated in para 19.4 above, would be in those cases where the co-delinquent is awarded lesser punishment by the disciplinary authority even when the charges of misconduct were identical or the co-delinquent was foisted with more serious charges. This would be on the doctrine of equality when it is found that the employee concerned and the co-delinquent are equally placed. However, there has to be a complete parity between the two, not only in respect of nature of charge but subsequent conduct as well after the service of charge-sheet in the two cases. If the co-delinquent accepts the charges, indicating remorse with unqualified apology, lesser punishment to him would be justifiable."

7. Considering the aforesaid allegations against the petitioner, especially the fact that he was imposed with the

punishment of censure, which is absolutely a minor punishment for maintaining laxity and negligence in discharge of his official duty, even after getting warnings by the respondents, I don't find any ground to interfere with the aforesaid order of punishment passed by the respondents, as the punishment imposed is not disproportionate to the proved charge.

8. With the aforesaid observations, this writ petition stands **dismissed.**

(ANANDA SEN, J.)

*22nd January, 2026
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